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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

10 County of Sonoma, NO. C 07-04532 JW

11 Plaintiff, **ORDER TO SHOW CAUSE RE:**  
v. **DISMISSAL**  
12 Nancy Hayssen,  
13 Defendant.

14 \_\_\_\_\_/  
15 On April 1, 2008, the Court issued a Scheduling Order for this case, which included setting a  
16 Preliminary Pretrial Conference for October 6, 2008. (See Docket Item No. 20.) The parties were  
17 ordered to file Preliminary Pretrial Conference Statements by September 26, 2008. (Id.) To date, no  
18 statements have been filed. The parties have also failed to otherwise communicate with the Court.

19 The Docket reflects that the parties were scheduled to appear before Magistrate Judge  
20 Seeborg on June 6, 2008 for a settlement conference. (See Docket Item No. 23.) However, since  
21 April 17, 2008, there has been no activity in the case as reflected on the docket.

22 Accordingly, the Court orders both parties to appear in Courtroom No. 8, 4th Floor, United  
23 States District Court, 280 South First Street, San Jose, Ca. on **October 20, 2008 at 9:00 a.m.** to  
24 show cause, if any, by actual appearance in Court, and by certification filed with the Court at least  
25 ten (10) days prior to the appearance date, why this case should not be dismissed for failure to  
26 prosecute pursuant to Fed. R. Civ. P. 41(b). The certificate shall set forth a factual summary of what  
27 steps the parties are taking to pursue or defend the action, its present status and the expected future  
28 course of the case.

If the parties fail to file the certification by **October 10, 2008**, the October 20, 2008 hearing will be vacated automatically and the case will be dismissed pursuant to Fed. R. Civ. P. 41(b).

Failure to comply with any part of this Order will be deemed sufficient grounds to dismiss  
this action.

6 | Dated: October 2, 2008

JAMES WARE  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Amy Kinsella Gruber agruber@ropers.com  
3 Lael D. Andara landara@ropers.com

4 Nancy Hayssen  
501 4th Street  
5 Santa rosa, Ca 95401

6 **Dated: October 2, 2008**

7 **Richard W. Wiking, Clerk**

8 **By: /s/ JW Chambers**  
9 **Elizabeth Garcia**  
10 **Courtroom Deputy**